

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Deloris Blakely, As Personal Representative
of the Estate of Lori Jean Ellis,

Plaintiff,

vs.

Kershaw County Sheriff's Office; Tyrell
Coleman; South Carolina Department of
Natural Resources; and Gregg Lowery,

Defendants.

Civil Action No.: 3:10-cv-00707-JFA

**ORDER APPROVING
WRONGFUL DEATH
SETTLEMENT**

This matter comes before the Court on a Petition of the above named Personal Representative seeking approval of a proposed settlement of a wrongful death and survival claim involving four defendants in the aggregate settlement amount of Two Million (\$2,000,000.00) Dollars in actual damages. *See* ECF No. 130.

The Plaintiff filed the instant underlying action on February 12, 2010 as Personal Representative of the Estate of Lori Jean Ellis, alleging a claim for Wrongful Death on behalf of statutory beneficiaries and the estate pursuant to S.C. CODE ANN. §§ 15-51-10 through -60, and survival. Plaintiff alleged that certain of the Defendants shot and killed Lori Jean Ellis, the Plaintiff's decedent and her natural sister, on or about April 21, 2008 while they were attempting to serve four Magistrate's Court bench warrants at the home of Decedent during the nighttime. The Plaintiff alleged in her Complaint that the Defendants South Carolina Department of Natural Resources (SCDNR) and Kershaw County Sheriff's Department (KCSD) were negligent and grossly negligent in their training supervision and service of the warrants and that Defendants

Coleman and Lowery, acting under color of state law, violated Decedent's Fourth Amendment rights to be free from excessive force while being arrested. Specifically, Plaintiff alleges that Defendants Coleman and Lowery used lethal force (by firing their weapons at Decedent) against the Decedent when she was not posing a threat of serious bodily injury or death to Defendants Coleman and Lowery. Plaintiff alleged that the use of this lethal force by Coleman and Lowery and the gross negligence of SCDNR and KCSD combined and concurred to proximately cause the death of the Decedent and resulting damages.

The Defendants all contest both the Plaintiff's assertion of liability and the material allegations in the Plaintiff's Complaint.

The court held a hearing on the Petition on March 21, 2013. Present at the hearing were Robert V. Phillips, attorney for the Plaintiff, and Michael Wren for Defendants SCDNR and Lowery and David Morrison for Defendants KCSD and Coleman. Plaintiff was also present.

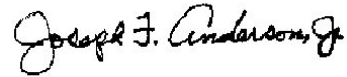
Having reviewed the Petition and the pleadings in the underlying wrongful death and survival action, having heard and considered the representations of counsel, and having heard the testimony of the Plaintiff, the court finds that the settlement of the action for a total payment of Two Million (\$2,000,000.00) Dollars is in the best interest of the estate, which, other than a remaining balance of funeral expenses of Six Thousand Four-Hundred Seventy-One and 00/100 (\$6,471.00) Dollars, has no creditors. The court finds that the allocation of the settlement proceeds, attorney fees and costs, and disbursements set forth in the Petition are reasonable and fair.

IT IS THEREFORE ORDERED that the settlement and payment of settlement proceeds, attorney fees and costs, and disbursements as set forth in the Petition be, and hereby are,

approved. The Plaintiff is authorized to accept said sums and disburse them as directed by the Probate Court and execute a Release which will fully and finally settle the controversy between the parties.

IT IS SO ORDERED.

March 22, 2013
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge